

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49688 of 2025**

Arising Out of PS. Case No.-219 Year-2024 Thana- GAMAHARIYA District- Madhepura

Uday Kumar S/O Mukhtinath Yadav @ Mukho Prasad Yadav R/O Village-  
Jogwani (Jagwani), P.S-Gamhariya, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 85141 of 2025**

Arising Out of PS. Case No.-219 Year-2024 Thana- GAMAHARIYA District- Madhepura

Ram Kumar Paswan S/o- Mahendra Yadav R/v- Jogbani Ps- Gamharia Dist-  
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 49688 of 2025)

For the Petitioner/s : Mr.Kumari Rashmi

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 85141 of 2025)

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3 12-12-2025

**CRIMINAL MISCELLANEOUS No.49688 of 2025**

Heard the parties.

2. The accused/petitioner seeks bail in connection with  
Gamhariya P.S. Case No. 219 of 2024 registered for the offences  
under Sections 103(1), 238 & 61(2) of the B.N.S. and section 27  
of the Arms Act.

3. The accused/petitioner is named in the FIR and is in  
custody since 24.03.2025.



4. As per FIR, petitioner alongwith several co-accused persons said to have killed the son of the informant after calling him from home, whereafter dead body of son of the informant was found near to the bank of Parwaha road.

5. It is submitted by learned counsel appearing on behalf of the petitioner that informant is not the eye witness of the alleged occurrence and due to previous enmity, the false implication was raised, which can be gathered easily that FIR was lodged on 20.10.2024, whereas the dead body of son of the informant was recovered in the early morning of 19.10.2024.

6. It is pointed out that during course of investigation one co-accused Pritam Kumar was apprehended, who while recording his confessional statement on 23.03.2025, categorically stated that one co-accused Ram Kumar Paswan has shot fired upon the deceased and stated nothing about this petitioner. It is pointed out that considering all such aspects, one of the similarly situated co-accused namely, Pramod Yadav was granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 36234 of 2025 dated 01.08.2025, and, therefore, considering the parity, this petitioner also deserves bail.

7. While concluding argument, it is submitted that petitioner found involved in two more cases, where he is on bail



and moreover, investigation of this case is already completed, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. In view of aforesaid factual submission and by taking note of the fact as except suspicion *prima-facie* nothing transpires against the petitioner during investigation as to connect him with the present crime in question, coupled with the fact as petitioner remains in custody since 24.03.2025 and investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned CJM, Madhepura/concerned court, arising out of Gamhariya P.S. Case No. 219 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the B.N.S.S.

**CRIMINAL MISCELLANEOUS No. 85141 of 2025**

Heard the parties.

2. The accused/petitioner seeks bail in connection with Gamhariya P.S. Case No. 219 of 2024 registered for the offences



under Sections 103(1), 238 & 61(2) of the B.N.S. and section 27 of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 26.05.2025.

4. As per FIR, petitioner alongwith several co-accused persons said to have killed the son of the informant after calling him from home, whereafter dead body of son of the informant was found near to the bank of Parwaha road.

5. It is submitted by learned counsel appearing on behalf of the petitioner that name of petitioner transpired in the present case on the basis of suspicion subsequently by one apprehended co-accused namely Pritam Kumar by police who in his confession stated that petitioner was the person who fired upon deceased. It is submitted that except suspicion arising out of confessional statement before police and also suspicion as raised by informant while authoring the FIR nothing incriminating appears during investigation, as to connect petitioner with the present crime.

6. It is pointed out that considering all such aspects, one of the similarly situated co-accused namely, Pramod Yadav was granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 36234 of 2025 dated 01.08.2025, and, therefore, considering the parity, this petitioner also deserves bail.



7. While concluding argument, it is submitted that petitioner found involved in three more cases, where he is on bail and moreover, investigation of this case is already completed, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. In view of aforesaid factual submission and by taking note of the fact as except suspicion *prima-facie* nothing transpires against the petitioner during investigation as to connect him with the present crime in question, coupled with the fact as petitioner remains in custody since 26.05.2025 and investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Madhepura/concerned court, arising out of Gamhariya P.S. Case No. 219 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the B.N.S.S.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

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